

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
CAMOFI MASTER LDC,

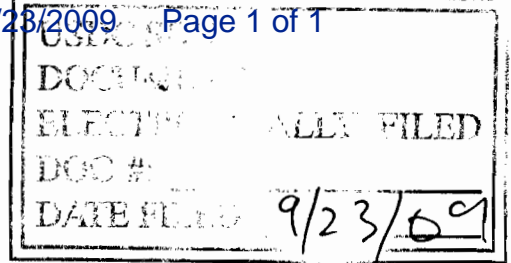
Plaintiff,

-against-

LISKA BIOMETRY, INC., et al.,

Defendants.
----- x

ALVIN K. HELLERSTEIN, U.S.D.J.:



ORDER OF DISMISSAL
CORRECTING PRIOR ORDER

09 Civ. 58 (AKH)

In anticipation of oral argument on Plaintiff's and Third-Party Defendant's Motion to Dismiss Defendant's Counterclaims, pursuant to Rule 12(b)(6), the Plaintiff, a limited duration company, was advised by Order dated August 18, 2009 to be prepared to show at oral argument that diversity of citizenship exists between the parties, in light of the rulings in Carden v. Arkoma Assocs., 494 U.S. 185, 195-96 (1990) and Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 53 (2d Cir. 2000).

On September 9, 2009, the parties appeared before me for oral argument and, at the outset of the proceeding, indicated that the case would be dismissed without prejudice upon consent of the parties because Plaintiff declined to prove subject matter jurisdiction.

A formal Order of Dismissal, dated September 14, 2009, recited that the case was dismissed. The Order of Dismissal also set forth, in error, that Plaintiff had conceded that subject matter jurisdiction did not exist. Plaintiff did not so concede, it merely declined to make the requisite showing.

The Clerk shall continue to mark the case as closed.

SO ORDERED.

Dated: New York, New York
September 22, 2009


ALVIN K. HELLERSTEIN
United States District Judge